

Ser. No.10/551,086  
Arndt. dated May 1, 2008  
Reply to Office Action of March 19, 2008

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**Remarks/Arguments**

**35 U.S.C. §103**

Claims 1-3, 8-10, and 15-17, stand rejected under 35 U.S.C. §103(a) as being unpatentable over Mason et al. (U.S. Patent No. 6,543,051 B1) in view of Naidoo et al. (U.S. Patent No. 7,185,282B1), hereinafter referred to as Manson and Naidoo.

The present invention, as recited by amended claim 1, describes a method for controlling a television signal receiving apparatus having an emergency alert function, comprising steps of: detecting a first condition wherein signal strength on a selected channel associated with said emergency alert function exceeds a threshold; detecting a second condition wherein a broadcast test associated with said emergency alert function is passed, said broadcast test including detecting reception of a test signal that is broadcast on a scheduled periodic basis; and providing an output if said first and second conditions are detected.

It is respectfully asserted that Manson and Naidoo, alone or in combination, fail to disclose "detecting a first condition wherein signal strength on a selected channel associated with said emergency alert function exceeds a threshold," as described in currently amended claim 1.

Manson teaches "a system for inputting conventional emergency alert messages into a digital subscriber television system. The method allows existing emergency alert equipment to interface with the digital system equipment in the headend of a digital subscriber television system. A unique identifier and the format of the digital emergency alert message allow the input of an emergency alert message and allow for a wide variety of optional data formats, system control options, and data storage options." (Manson Abstract)

The Office Action asserts that Manson "discloses an apparatus, television signal receiver and the method for controlling an apparatus having an emergency alert function (Receive Emergency Alert Message (402) in figure 4), comprising steps of: detecting a

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second condition wherein a broadcast test associated with said emergency alert function is passed (figure 4).” (Office Action, page 2)

The Office Action admits that Mason fails to teach the use of “detecting a first condition wherein signal strength on a selected channel associated with said emergency alert function exceeds a threshold.” (Office Action, page 2)

Manson is concerned with the insertion of messages into the overall television distribution infrastructure, not with display of messages at a user’s television signal receiver or the setup or testing of that function at the television signal receiver, as is the case with the present invention.

The section of Manson cited by the Office Action, Figure 4, illustrates “converting an emergency alert message received by a conventional EAS system into a digital emergency alert message for delivery to a digital subscriber television system.” (Manson, column 4, lines 47-40) Element 402, refers to reception of an Emergency Alert Message (EAM) by existing Emergency Alert System (EAS) equipment in the television signal distribution system. Figure 4 does not, however, describe receipt of an EAM by the television signal receiving apparatus. Figure 4 ends with step 414, related to transmission of the EAM to an application server 203, and therefore does not describe signal reception or detection at the television signal receiver. (Manson, column 5, lines 5-6)

Therefore, Manson fails to disclose, as admitted in the Office Action, “detecting a first condition wherein signal strength on a selected channel associated with said emergency alert function exceeds a threshold,” as described in amended claim 1.

Naidoo teaches “an integrated home health system includes a television-based patient station, a first provider station for providing telemedicine or other healthcare services to a patient located at the patient station, a second provider station for providing caregiver services to the patient, a third provider station for providing emergency response services to the patient and a system management station coupled together by a data network. In addition to various management operations performed on behalf of the integrated home

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health system, the system management station is further configured to provide various home health services to the patient located at the patient station, either alone, or in conjunction with one or more of the first, second and/or third provider stations." (Naidoo Abstract)

The Office Action asserts that Naidoo discloses "detecting a first condition wherein signal strength on a selected channel associated with said emergency alert function exceeds a threshold." Applicant respectfully disagrees.

The cited portion and surrounding text of Naidoo states, "Additionally any number of life safety sensors located at the patient station 12 will automatically initiate a request for connection with the emergency response provider station 18 upon detection of an alert condition, for example, when a measured physical parameter exceeds a pre-determined threshold value. Life safety sensors which may be located at the patient station 12 or, if appropriate, worn by the patient located at the patient station 12, include smoke detectors, fire detectors, carbon monoxide detectors, wearable physiological sensors, and fall-detection sensors." (Naidoo, column 8, lines 7-17)

Applicant respectfully disagrees with Examiner's assertion that Naidoo describes detecting signal strength on a selected channel associated with an emergency alert function in this or any other passage. Instead, Naidoo is merely disclosing monitoring of sensors and detecting alert conditions. Naidoo does not disclose broadcast, as all of the cited examples are local sensors. Furthermore, Naidoo does not disclose the concept of channel selection or even the use of channels anywhere in the specification.

Thus, Naidoo, like Manson, fails to disclose "detecting a first condition wherein signal strength on a selected channel associated with said emergency alert function exceeds a threshold," as described in amended claim 1.

In view of the above remarks and amendments to the claims, it is respectfully submitted that there is no 35 USC 112 enabling disclosure provided by Manson and Naidoo that makes the present invention as claimed in claim 1 unpatentable. It is further submitted

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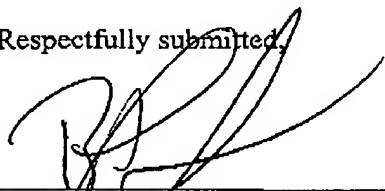
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that currently amended independent claims 8 and 15 are allowable for at least the same reasons that claim 1 is allowable. Since dependent claims 2-7, 9-14, and 16-21 are dependent from allowable independent claim 1, it is submitted that they too are allowable for at least the same reasons that their respective independent claims are allowable. Thus, it is further respectfully submitted that this rejection has been satisfied and should be withdrawn.

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's representative at (609) 734-6804, so that a mutually convenient date and time for a telephonic interview may be scheduled.

No fee is believed due. However, if a fee is due, please charge the additional fee to Deposit Account 07-0832.

Respectfully submitted,

  
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